



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,090	03/25/2004	Michael K. Ishimitsu	MS306912.1	7651
27195	7590	02/24/2009		
AMIN, TUROCY & CALVIN, LLP			EXAMINER	
127 Public Square			HO, ANDY	
57th Floor, Key Tower				
CLEVELAND, OH 44114			ART UNIT	PAPER NUMBER
			2194	
			NOTIFICATION DATE	DELIVERY MODE
			02/24/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com  
hholmes@thepatentattorneys.com  
lpasterchek@thepatentattorneys.com

# Office Action Summary

Application No.

10/809,090

Applicant(s)

ISHIMITSU ET AL.

Examiner

ANDY HO

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-845)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

1. This action is in response to the amendment filed 12/8/2008.
2. Claims 1-17 and 19-21 have been examined and are pending in the application.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell U.S Patent No. 5,903,278 in view of Berry U.S Patent No. 7,107,543.

As to claim 1, Mitchell teaches a computer-implemented diagram system comprising:

a diagram that stores at least one shape element (Fig. 4); and,  
an application program interface that includes a control that facilitates access to the diagram, the control maintaining state information associated with the diagram (lines 37-46 column 6); and

a computer readable storage medium comprising sets of code and data structure for causing a computer to modify the diagram with the application program interface (lines 37-46 column 6).

Mitchell does not explicitly teach object role modeling.

Berry teaches an object system which uses Display Object Model API to manipulate interface elements (lines 39-61 column 7). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Mitchell reference to include the teachings of Berry reference because by using object model, the system could manipulate screen objects, as disclosed by Berry (lines 39-61 column 7).

As to claim 2, Mitchell as modified further teaches the state information comprising at least one of selection, zoom and scroll position (Fig. 5 and associated specification).

As to claim 3, Mitchell as modified further teaches the control captures operating system events (lines 47-67 column 6).

As to claim 4, Mitchell as modified further teaches the control providing at least some of the operating system events to the shape element (lines 47-67 column 6).

As to claim 5, Mitchell as modified further teaches rerouting at least one of paint, keyboard and mouse events to at least one of the diagram and the shape element (lines 47-67 column 6).

As to claim 6, Mitchell as modified further teaches the diagram and the shape element responsible for painting themselves (lines 2-17 column 8).

As to claim 7, Mitchell as modified further teaches the diagram or the shape element being responsible for responding to a user interaction (lines 47-67 column 6).

As to claim 8, Mitchell as modified further teaches the shape element being based, at least in part, upon a model element class (lines 42-64 column 7).

As to claim 9, Mitchell as modified further teaches the diagram being based, at least in part, upon a node shape that has a bounds property which defines its location and size, the node shape derived from the shape element (lines 25-41 column 7).

As to claim 10, Mitchell as modified further teaches at least one shape element having a child shape element (Fig. 4).

As to claim 11, Mitchell as modified further teaches the shape element derived from a presentation element (lines 4-24 column 7).

As to claim 12, Mitchell as modified further teaches the shape element comprising at least one of a geometry property, a style set property and a shape fields property (lines 4-24 column 7).

As to claim 13, Mitchell as modified further teaches the diagram having a graph object employed for hittesting for testing a shape that has been user dropped by dragging (lines 25-41 column 7).

As to claim 14, Mitchell as modified further teaches the shape element being control-less (lines 42-64 column 7).

As to claims 15-16, they are method claims of claim 1. Therefore, they are rejected for the same reasons as claim 1 above.

As to claim 17, it is a computer product claim of claim 15. Therefore, it is rejected for the same reasons as claim 15 above.

As to claim 19, it is a computer product claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 20, Mitchell teaches a computer-implemented diagram system comprising:

means for storing at least one shape element in a diagram (Fig. 4), the diagram and/or the shape element being responsible for painting themselves (lines 2-17 column 8) and responding to a user interaction (lines 47-67 column 6);

means for accessing the diagram (lines 37-46 column 6); and,

means for maintaining state information associated with the diagram (lines 37-46 column 6).

Mitchell does not explicitly teach object role modeling.

Berry teaches an object system which uses Display Object Model API to manipulate interface elements (lines 39-61 column 7). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Mitchell reference to include the teachings of Berry reference because by using object model, the system could manipulate screen objects, as disclosed by Berry (lines 39-61 column 7).

As to claim 21, it is a method of claims 1 and 6-7. Therefore, it is rejected for the same reasons as claims 1 and 6-7 above.

*Response to Arguments*

4. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that Mitchell reference does not teach object role modeling (Remarks, last paragraph page 5). In response, the applicant argues a new limitation that was not claimed before. However, this new limitation is met by the cited references as disclosed in the claim rejections above.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450



Art Unit: 2194

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

/Andy Ho/

Primary Examiner

Art Unit 2194